

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF NEVADA
LLOYD D. GEORGE FEDERAL COURTHOUSE
333 LAS VEGAS BOULEVARD SOUTH
LAS VEGAS, NEVADA 89101
(702) 464-5400

LANCE S. WILSON
CLERK OF COURT

CYNTHIA J. JENSEN
CHIEF DEPUTY, LAS VEGAS

LINDA LEA SHARER
CHIEF DEPUTY, RENO

July 7, 2005

Mary Lou Michels Moran, Clerk
United States District Court
United States Courthouse
4th Floor
520 West Soledad Avenue
Hagatna, GU 96910-4950

FILED
DISTRICT COURT OF GUAM
JUL 18 2005 *RS*
MARY L.M. MORAN
CLERK OF COURT

Reference: Your Case #: 05-00053
Our Mag #: MJ-S-05-0519-LRL

18

Dear Clerk:

Enclosed please find certification of the complete files as of
July 7, 2005, in the above reference case.

Please acknowledge receipt of the above documents by signing the
enclosed copy of letter and returning it to this court.

LANCE S. WILSON
Clerk, U. S. District Court

Alana Kamaka
By: Alana Kamaka
Deputy Clerk

Enclosures

Received: _____

By: _____
Deputy Clerk

RECEIVED
JUL 18 2005
DISTRICT COURT OF GUAM
HAGATNA, GUAM

ORIGINAL

USA VS. CHRISTOPHER M. ESPINOSA
Case No: MJ-S-05-0519-LRL

06/23/05 **INITIAL APPEARANCE (LRL)**-Crt appoints FPD to rep deft- ak

06/24/05 **WAIVER OF RULE 5 AND 5.1 HEARING (LRL)**- filed obo deft - ak

06/24/05 **ORDER APPOINTING COUNSEL (LRL)** - Crt appoints FPD to
rep deft. - ak

06/24/05 **ORDER OF TEMPORARY DETENTION PENDING HEARING
PURSUANT TO BAIL REFORM ACT (LRL)** - At the Government's request
hearing continued to Tuesday, June 28, 2005, at 2:30 p.m.

06/28/05 **DETENTION HEARING (LRL)** - ak

06/30/05 **DETENTION ORDER (LRL)** - The Court finds the deft is a danger to the
community and risk of nonappearance; therefore, the deft is detained - ak

06/30/05 **COMMITMENT TO ANOTHER DISTRICT (LRL)**- deft is ordered
detained until transported to the District of Guam at Hagatna - ak

07/07/05 **LETTER** of transfer to District of Guam at Hagatna - ak

CERTIFIED COPY

United States of America
DISTRICT OF

} ss:

I, Lance S. Wilson, Clerk of the United States District Court
for the District of Nevada, do hereby certify that the annexed
and foregoing is a true and full copy of the original
File - MJ-S-05--

now remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and

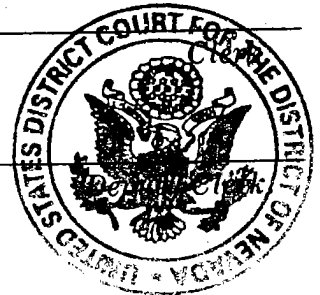
affixed the seal of the aforesaid Court at Las Vegas, Nevada

this 7th day of July, A.D. 2005

Lance S. Wilson

By

Maria Hernandez



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER M. ESPINOSA,

Defendant.

Case # MJ-S-05-0519-LRL

Date: JUNE 23, 2005

Time: 3:45 pm to 4:00 pm

☒ INITIAL APPEARANCE/Rule 5 - Minutes
☐ Further Proceedings re _____

PRESENT:

THE HONORABLE LAWRENCE R. LEAVITT, United States Magistrate Judge

ALANA KAMAKA
Deputy Clerk

3:45-4:00

FTR# _____

Interpreter () Spanish () _____

PATRICK WALSH

Assistant U. S. Attorney

Samir Varma, Certified Law Clerk

Defendant is present in custody. Defendant is advised of the pending charges and his/her rights.

JASON CARR

Defense Counsel ☐ Apt. ☐ Rtn ☒ AFPD

☒ Defendant ☒ questioned ☐ sworn as to correctness of Financial Affidavit.

☒ The Federal Public Defender's Office ☐ CJA panel attorney _____
is appointed as defense counsel.

☒ Identity hearing waived. ☒ Written waiver filed. ☒ ORDERED defendant identified as named defendant in
indictment/complaint and is held to answer in the _____ District of GUAM at Hagatna

☐ Identity hearing is set for _____ at _____ am/pm before Magistrate Judge
_____, in Courtroom # _____, _____ floor.

☐ The Government moves for detention. ☐ The Court hears the argument of counsel.

☐ Detention is ORDERED. Separate detention order and commitment to originating district to follow.

☒ Detention Hearing is set for Tuesday, 6/28/05 at 2:30 pm at the request of
() The Court (X) The Government () Defense Counsel

☒ Temporary Detention is ORDERED. ☒ Written Order to follow.

☐ Bond is set. ☐ PR ☐ \$ _____ unsecured ☐ secured by _____ % cash ☐ Corporate
Surety ☐ Property (See bond for special conditions.)

☐ Bond is executed; Defendant is released.

☐ Next appearance date (if known) in originating district: _____

☒ Defense counsel request Pretrial Services interview the defendant.

LANCE S. WILSON, Clerk
United States District Court

Alana Kamaka
Deputy Clerk

Min Ord Rule 5 Rev 5-04.wpd

FINANCIAL AFFIDAVIT

CJA-23
(Rev. 5/98)

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

FOR
2005 JUN 24 A 8:02
AT

LOCATION NUMBER

DOCKET NUMBERS

Magistrate

District Court

Court of Appeals

PERSON REPRESENTED (Show your full name)

CHRISTOPHER M. ESPINOSA

- ☐ Defendant - Adult
☐ Defendant - Juvenile
☐ Appellant
☐ Probation Violator
☐ Parole Violator
☐ Habeas Petitioner
☐ 2255 Petitioner
☐ Material Witness
☐ Other (Specify)

CHARGE/OFFENSE (describe if applicable & check box) ☒ Felony ☐ Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☒ Yes ☐ No ☐ Am Self Employed

Name and address of employer: HARD ROCK CASINO

IF YES, how much do you earn per month? \$ ± 3,500

IF NO, give month and year of last employment
How much did you earn per month? \$

If married is your Spouse employed? ☐ Yes ☐ No

IF YES, how much does your Spouse earn per month? \$ N/A

If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☒ Yes ☐ No

IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES

RECEIVED \$3,500 SOURCES GAMING WORK

CASH

Have you any cash on hand or money in savings or checking account? ☒ Yes ☐ No IF YES, state total amount \$ ± 900.00

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

IF YES, GIVE THE VALUE AND DESCRIBE IT

VALUE

DESCRIPTION

N/A

DEPENDENTS

MARITAL STATUS

- ☒ SINGLE
☐ MARRIED
☐ WIDOWED
☐ SEPARATED OR DIVORCED

Total No. of Dependents

0

List persons you actually support and your relationship to them

OBLIGATIONS & DEBTS

DEBTS & MONTHLY BILLS

(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:

RENT + UTILITIES
CARPET CARD

Creditors

Total Debt

Monthly Payt.

\$
\$
\$
\$

\$
\$
\$
\$

± 1200.00
± 250.00

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

6/23/2005

✓ FILED
ENTERED
2005 JUN 24 A 8:02
DISTRICT OF NEVADA
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,
Plaintiff,
vs
CHRISTOPHER M ESPINOSA,
Defendant.

MJ-S-05-0519 LRL
ORDER APPOINTING COUNSEL
AND DIRECTING THE MARSHAL
TO SERVE SUBPOENAS AT
GOVERNMENT EXPENSE

The individual named below, having testified under oath or having otherwise satisfied this Court that he (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and, because the interests of justice so require, the Court finds that the Defendant is indigent, therefore;

IT IS ORDERED that the Federal Public Defender for the District of Nevada is hereby appointed to represent Defendant, CHRISTOPHER M ESPINOSA.

IT IS FURTHER ORDERED that the Clerk issue subpoenas upon oral request and submission of prepared subpoenas by the attorneys of the office of the Federal Public Defendant, unless said subpoenas are to be served outside the State of Nevada. The cost of process, fees and expenses of witnesses so subpoenaed shall be paid as witness(es) subpoenaed on behalf of the Government. The Court is satisfied the individual is unable to pay fees and expenses of subpoenaed witness(es) and the United States Marshal shall provide such witness(es) subpoenaed advance funds for the purpose of travel within the District of

1 Nevada and subsistence. Any subpoenas served on behalf of the individual, the return thereon
2 to this Court shall be sealed, unless otherwise ordered.

3 IT IS FURTHER ORDERED that if counsel for the individual
4 desires subpoenas to be served outside the State of Nevada, further application pursuant to
5 Federal Rules of Criminal Procedure 17(b) shall be made to the Court, before the issuance of
6 said subpoenas.

7 DATED this 23rd day of JUNE, 2005.

8 

9 UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

DISTRICT OF

NEVADA

2005 JUN 24 A 8:02

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

BY

CASE NUMBER: MJ-S-05-0519-LRL

CHARGING DISTRICTS

CASE NUMBER: 05-00053

V.

CHRISTOPHER M. ESSIMOBA

Defendant

I understand that charges are pending in the

District of GAN

alleging violation of

21 U.S.C. 881 & 846

(Title and Section)

and that I have been arrested in this district and

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

(X) identity hearing

() preliminary hearing

() identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Defendant

June 23, 2005

Date

Defense Counsel

Jason F. Gann

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

V.

ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT

CHRISTOPHER ESPINOSA,

Defendant

Case Number: MJ-S-05-0519-LRL

Upon motion of the Government

detention hearing is set for Tuesday, June 28, 2005

Date

* at 2:30 p.m.

Time

before THE HONORABLE UNITED STATES MAGISTRATE JUDGE LAWRENCE R. LEAVITT

Name of Judicial Officer

LLOYD D. GEORGE FEDERAL COURTHOUSE, 333 LAS VEGAS BLVD. SOUTH, LAS VEGAS NEVADA

Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States marshal (

) and produced for the hearing.

Other Custodial Official

Date: June 24, 2005



Judicial Officer

*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

☒ FILED ☐ RECEIVED
☐ ENTERED ☐ SERVED ON
COUNSEL / PARTIES OF RECORD

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Christopher M. Espinosa

Defendant.

2005 JUN 29 A 11:29

Case # MJ-S-05-0519-LRL

Date: June 28, 2005

Time: 2:33 pm to 2:44 pm ☐ DEPUTY

☐ INITIAL APPEARANCE/Rule 5 - Minutes

☒ Further Proceedings re Detention

PRESENT:

THE HONORABLE LAWRENCE R. LEAVITT, United States Magistrate Judge

ALANA KAMAKA
Deputy Clerk

2:33-2:44
ETR Tape#

Interpreter () Spanish ()

Patrick Walsh

Assistant U. S. Attorney

JASON CARR

Defense Counsel Apt. Rtnd LAFPD

Defendant is present. ^{and in custody,} Defendant is advised of the pending charges and his/her rights.

☐ Defendant ☐ questioned ☐ sworn as to correctness of Financial Affidavit.

☐ The Federal Public Defender's Office ☐ CJA panel attorney ☐ is appointed as defense counsel.

☐ Identity hearing waived. ☐ Written waiver filed. ☐ ORDERED defendant identified as named defendant in indictment/complaint and is held to answer in the ☐ District of ☐

☐ Identity hearing is set for ☐ at ☐ am/pm before Magistrate Judge ☐ in Courtroom # ☐ floor.

☒ The Government moves for detention. ☐ The Court hears the argument of counsel.

☒ Detention is ORDERED. Separate detention order and commitment to originating district to follow.

☒ Defendant is remanded and shall be removed to the District of Guam.
Detention Hearing is set for ☐ at ☐ am/pm at the request of ☐
() The Court () The Government () Defense Counsel

☐ Temporary Detention is ORDERED. ☐ Written Order to follow.

☐ Bond is set. ☐ PR ☐ \$ ☐ unsecured ☐ secured by ☐ % cash ☐ Corporate
Surety ☐ Property (See bond for special conditions.)

☐ Bond is executed; Defendant is released.

☐ Next appearance date (if known) in originating district: ☐

LANCE S. WILSON, Clerk
United States District Court

Alana Kamaka
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FILED RECEIVED
ENTERED SERVED ON
COUNSEL / PARTIES OF RECORD

UNITED STATES OF AMERICA

v.

CHRISTOPHER M. ESPINOSA

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: MJ-S-05-0519-LRM
JUN 30 P 1:51

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a (federal offense)(state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is _____
_____ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
_____ an offense for which the maximum sentence is life imprisonment or death.
_____ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____
_____ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- (3) A period of not more than five years has elapsed since the (date of conviction)(release of the defendant from imprisonment) for the offense described in finding (1)
- (4) Finding Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings(A)

- X (1) There is probable cause to believe that the defendant has committed an offense
X for which a maximum term of imprisonment of ten years is described in 21 U.S.C. §§ 841(a)(1), (B)(1)(a)(viii) & 846 under 18 U.S.C. § 924(c).
- X (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- X (1) There is a serious risk that the defendant will not appear.
- X (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The defendant is charged with an offense which under the Bail Reform Act gives rise to a presumption that he is both a significant risk of non appearance and danger to the community such that he should be detained.

The defendant has not provided any evidence or information to rebut the presumption even after having been interviewed by Pretrial Services and after Pretrial Services Agency was able to supplement its view of the defendant's criminal history.

The defendant has nine (9) outstanding Bench Warrants, six (6) of which are traffic-related offenses occurring on two separate dates. This suggests to the Court that the defendant does not have any sense of responsibility to respond to the Orders of the Court.

In addition to those traffic violations, in November 1998, the defendant was charged in a variety of Felonies in Guam which he failed to appear for and a Bench Warrant was issued for his arrest. A month later, he was arrested on additional felony charges, failed to appear, and a Warrant was issued which remains outstanding.

In Las Vegas, the defendant failed to appear on a misdemeanor matter for an Arraignment before a Justice of the Peace in 2004, a Bench Warrant was issued, and remains outstanding.

The defendant is presumed to be a danger to the community based on the charges filed against him. There has been no evidence that would rebut this presumption either.

Accordingly, based on all of these factors, the defendant is a risk of flight and danger to the community warranting his detention. He is remanded to custody and shall be removed to the District of Guam.

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established by clear and convincing evidence that the defendant is a danger to the community and by a preponderance of the evidence that the defendant is a risk of flight and no condition or combination of conditions will reasonably assure his appearance as required.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: June 29, 2005



Signature of Judicial Officer

Lawrence R. Leavitt, United States Magistrate Judge

Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT

District of

NEVADA

UNITED STATES OF AMERICA

V.

CHRISTOPHER M. ESPINOSA

COMMITMENT TO ANOTHER
DISTRICT

DOCKET NUMBER

District of Arrest

District of Offense

05-00053

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

MJ-S-05-0519-LRL

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment ☐ Information ☐ Complaint ☐ Other (specify)

charging a violation of 21 U.S.C. § 841(a)(1),(b)(1)(A)(viii) & 846

DISTRICT OF OFFENSE

GUAM AT HAGATNA

DESCRIPTION OF CHARGES:

CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE HYDROCHLORIDE (COUNT 1); and
ATTEMPTED POSSESSION OF METHAMPHETAMINE HYDROCHLORIDE WITH INTENT TO DISTRIBUTE (COUNT 2);

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
- ☒ Government moved for detention and defendant detained after hearing in District of Arrest
- ☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
- ☐ Other (specify) _____

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☒ No ☐ Yes Language: _____

DISTRICT OF NEVADA

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

June 29, 2005

Date

Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL